SIKKIM

GOVERNMENT GAZETTE

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GOVERNMENT OF SIKKIM

DEPARTMENT OF FORESTS, ENVIRONMENT AND WILDLIFE

No. 309/F **Date: 11/5/06.**

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 42 of the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988 (6 of 1988), the State Government hereby makes the following rules to further amend the Sikkim Transit of Timber and Other Forest Produce Rules, 1999, namely:——

Short title, extent and Commencement **1.** (1) These rules may be called the Sikkim Transit of Timber and Other Forest Produce (Amendment) Rules, 2006.

(2) They shall extend to the whole of Sikkim.

(3) They shall come into force at once.

Amendment of Rule 2 **2.** In the Sikkim Transit of Timber and Other Forest Produce Rules, 1999 (hereinafter called the said rules), in rule 2, after clause (q), the following shall be inserted, namely :——

(r) "Assistant Conservator of Forests" means an officer of that designation having territorial functions;

(s) "Block Officer" means an officer of that designation having territorial functions;

(t) "commercial" means for sale to any individual, association, group, business establishment, hostel or agency of government or otherwise;

(u) "Divisional Forest Officer" means an officer of that designation having territorial functions;

(v) "non-commercial" means for use other than commercial;

(w) "private holding" includes any land not recorded as forests and standing in the name of any person or persons in the record of rights of the Government as per the cadastral survey of 1952;

(x) "Range Officer" means an officer of that designation having territorial functions;

(y) "Sub-Division" means the land revenue administrative sub-division;

Substitution of rule 4. **3.** In the said rules, for rule 4, the following shall be substituted, namely:-

"4. Any person or agency who seeks to obtain a transit permit for the transport of bamboos originating in a private holding for non-commercial purpose shall apply in Form B to the Block Officer or for commercial purpose to the Range Officer in whose territorial jurisdiction it is located, stored or available who shall after satisfying

himself that the origin of the bamboos sought to be transported is in private holding issue a transit permit free of any fee for non-commercial purpose and duly charging fees as prescribed in rule 7 for commercial purpose."

Substitution of rule 5. 4. In the said rules, for rule 5, the following shall be substituted, namely:-
"5. Any person or agency who seeks to obtain a transit permit for the transport of timber or any forest produce other than bamboos shall apply in Form B1 to the Range Officer in whose territorial jurisdiction it is located, stored or available who shall send a report in Form C of the nature, quantity and origin of the timber or forest produce sought to be transported to the Assistant Conservator of Forests."

Substitution of rule 6. 5. In the said rules, for rule 6, the following shall be substituted, namely:-
"6. (1) The Assistant Conservator of Forests shall, after satisfying himself that the timber or forest produce is legally obtained and can be allowed to be transported to another place from where it is located, stored or available, take the following action:-
(a) issue a transit permit duly charging fees as prescribed in rule 7 of the Sikkim Transit of Timber and other Forest Produce Rules 1999, if the timber or forest produce is sought to be transported within the Sub-Division of its origin:
Provided that in the absence of 5 (five) continuous days or more of the Assistant Conservator of Forests, the Divisional Forest Officer may issue such a transit permit after obtaining a report of the Range Officer as provided under the rules, or
(b) countersign the report and submit it to the Divisional Forest Officer if the timber or forest produce is sought to be transported from one District to another or within the same District if the route by which it will be conveyed, passes through another District or outside the State of Sikkim or from one Sub-Division to another within the same District.

(2) When a report for the issue of a transit permit is submitted to the Divisional Forest Officer he shall after satisfying himself that the timber or forest produce is legally obtained and can be allowed to be transported to another place from where it is located, stored or available issue a transit permit duly charging fees as prescribed in rule 7 of the Sikkim Transit of Timber and other Forest Produce Rules 1999:

Provided that the Range Officer shall issue transit permit for transport of bamboos and/or used timber from outside the State for non-commercial purpose after satisfying himself that the origin of the bamboos and / or used timber sought to be transported is outside the State and after collecting such transit fee as may be prescribed by Government."

Amendment of rule 10. 6. In the said rules, after the rule 10, the following proviso shall be inserted, namely:-
"Provided that transit permit for old, used furniture sought to be transported by any employee on transfer to a new station, shall be issued by:
(a) the Range Officer in whose territorial jurisdiction the furniture is stocked, if the actual quantity of timber used in its making is upto 30 cubic feet and if they are sought to be transported within the State; or
(b) the Assistant Conservator of Forests in whose territorial jurisdiction the furniture is stocked, if the actual quantity of timber used in its making is upto 50 cubic feet and if they are sought to be transported within the State; or
(c) the Divisional Forest Officer in whose territorial jurisdiction the furniture is stocked, for any number of furniture."

Amendment of rule 21. 7. In the said rules, in rule 21 after the words "lower in rank than a Range Officer" the following words shall be added, namely:-
"as provided for in the Sikkim Private and Other Non-Forest Lands Tree Felling Rules, 2006."

Substitution of 'Form B'. 8. In the said rules, for the existing 'Form B', the following shall be substituted, namely:-

" FORM B
(See rule 4)

APPLICATION FORM FOR OBTAINING TRANSIT PERMIT FOR BAMBOOS

1. Name of the applicant:
2. Address:
3. Place where bamboo is available:
4. No. of Bamboo:
5. State use to which bamboo is to be put:
6. Place to which bamboo is to be taken:
7. Marking Order/ Collection permit no.:
8. Office from which Marking Order/ Collection Permit was issued:
9. Whether Marking Order/ Collection Permit was issued to applicant:
10. If answer to 9 is "No" state how the bamboo was acquired (sale/ auction etc):
11. Route by which the bamboo is to be transported:

Signature of Applicant"

Insertion of " Form B I"

9. In the said rules, after 'Form B' the following Form shall be inserted, namely:-

"FORM B1
(See rule 5)

APPLICATION FORM FOR OBTAINING TRANSIT PERMIT FOR TIMBER/ FOREST PRODUCE OTHER THAN BAMBOOS

1. Name of the applicant:
2. Address:
3. Place where timber/ forest produce is available:
4. Species and quantity of timber/ forest produce:
5. State use to which timber/ forest produce is to be put:
6. Place to which timber/ forest produce is to be taken:
7. Marking Order/ Collection permit no.:
8. Office from which Marking Order/ Collection Permit was issued:
9. Whether Marking Order/ Collection Permit was issued to applicant:
10. If answer to 9 is "No" state how the timber/ forest produce was acquired (sale/ auction etc):
11. Route by which the timber/ forest produce is to be transported:

Signature of Applicant."

BY ORDER.

(T.R.Poudyal IFS)
PCCF-cum-Secretary
Forests, Environment & Wildlife Management Department